

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
JONATHAN ADAMES et al.,

Plaintiffs,

-against-

THE CITY OF NEW YORK et al.,

Defendants.
----- X

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

17-CV-1035 (ARR)(SJB)

WHEREAS Plaintiffs Jonathan Adames, Yeltsin Beltran, Van Brooks, Willy Canturencia, Alexis Delacruz, Pedro Esteves, Luis Felipe, Peter Geraldi, Abdul Lopez, Willy Paulino, Jose Rivera, Angel Rodriguez, Khyiem Thomas, Cory Vella, Shannon Willis, Christian Yammie (collectively, the “Plaintiffs”) filed a Complaint on or about February 23, 2017 and an Amended Complaint on May 5, 2017, against the City of New York, the New York City Department of Correction, “New York City Correction Department Officers, Employees and Staff”, Captain Richardson, Captain Thomas, Deputy Beverly Griffith, “John and Jane Does #1 to 10, the names being fictitious, presently unknown, in their individual and official capacities as employees of the New York City Correction Department” (collectively, the “Defendants”) alleging violations of Plaintiffs’ federal civil rights and state common law rights;

WHEREAS on July 24, 2017, the Court granted Defendants’ motion to dismiss in part, and dismissed all claims against the City of New York;

WHEREAS Defendants deny any and all liability arising out of Plaintiffs’ allegations; and

WHEREAS Plaintiffs and Defendants (collectively, “the Parties”) now desire to resolve the issues raised in this litigation without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by

and between the Parties, through the undersigned, as follows:

1. The above-referenced action is dismissed with prejudice and without costs, expenses, or fees in excess of the amount specified in paragraph “2” below.

2. The City of New York hereby agrees to pay Plaintiffs the sum total of TWO HUNDRED THIRTY TWO THOUSAND SEVEN HUNDRED FORTY NINE DOLLARS AND ZERO CENTS (\$232,749.00) in full satisfaction of all claims, including claims for damages, costs, expenses, and attorneys’ fees that were or could have been raised in this action.

This amount is to be apportioned as follows:

- (a) TWENTY SIX THOUSAND DOLLARS AND ZERO CENTS (\$26,000.00) each to Peter Gerald, Khyiem Thomas, and Christian Yammie;
- (b) SIXTEEN THOUSAND DOLLARS AND ZERO CENTS (\$16,000.00) each to Jonathan Adames, Yeltsin Beltran, Alexis Delacruz, Pedro Esteves, Luis Felipe, Willy Paulino, and Jose Rivera;
- (c) THIRTEEN THOUSAND THREE HUNDRED THIRTY THREE DOLLARS AND ZERO CENTS (\$13,333.00) each to Abdul Lopez, Corey Vella, and Van Brooks to be further apportioned as follows: (i) NINE THOUSAND NINE HUNDRED AND NINETY NINE DOLLARS AND ZERO CENTS (\$9,999.00) each to Abdul Lopez, Corey Vella, and Van Brooks, and (ii) TEN THOUSAND TWO DOLLARS AND ZERO CENTS (\$10,002.00) to the Law Office of Gregory Zenon;
- (d) ONE THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$1,500.00) to Angel Rodriguez;
- (e) SEVEN HUNDRED AND FIFTY DOLLARS AND ZERO CENTS (\$750.00) to Willy Canturencia; and
- (f) FIVE HUNDRED DOLLARS AND ZERO CENTS (\$500.00) to Shannon Willis.

3. The payment of the amount set forth in paragraph “2” subparagraph “(c)(ii)” above is to be made by check payable to “Gregory Zenon, Esq.” and mailed to Gregory Zenon at

the Law Office of Gregory Zenon at 30 Wall Street, 8th floor, New York, New York 10005. The payment of the other amounts set forth in paragraph “2” above are to be made by check payable to “Gregory Zenon, Esq. on behalf of [Plaintiff name]” and mailed to the Law Office of Gregory Zenon at 30 Wall Street, 8th floor, New York, New York 10005.

4. In consideration for the payment of the amounts set forth in paragraph “2” above, Plaintiffs each agree to dismiss and discontinue, with prejudice, all claims against Defendants and to release and discharge the City of New York; the New York City Department of Correction; “New York City Correction Department Officers, Employees and Staff”; Captain Richardson; Captain Thomas; Deputy Beverly Griffith; “John and Jane Does #1 to 10, the names being fictitious, presently unknown, in their individual and official capacities as employees of the New York City Correction Department”; New York City Health + Hospitals; Corizon Health, Inc.; and Corizon, Inc. and their successors or assigns; and all present and former officials, employees, representatives, agents, and affiliates of the City of New York, the New York City Department of Correction; the New York City Department of Health and Mental Hygiene; New York City Health + Hospitals; Corizon Health, Inc., Corizon, Inc.; and/or any entity represented by the Office of the Corporation Counsel, and their successors or assigns, from any and all liability, claims, demands, causes of action, obligations, damages, grievances and liabilities whatsoever of every kind and nature, at law or in equity, whether joint or several, whether known or unknown, and whether or not discoverable, which any of Plaintiffs may have resulting from anything which has happened from the beginning of the world to the date of his General Release, including, but not limited to, any and all liability, claims, or rights of action which were or could have been alleged by any Plaintiff in the aforementioned action arising out of the events

alleged in the Complaint and/or Amended Complaint in this action and including but not limited to all claims for attorneys' fees, expenses, and costs.

5. Plaintiffs and Gregory Zenon, Esq., shall be responsible for the payments of any federal, state and/or local taxes on their respective payments specified in paragraph "2" above.

6. Each Plaintiff shall execute and deliver to Defendants' undersigned attorney all documents necessary to effect this settlement, including a General Release based on the terms of paragraphs "2" and "4" above, an Affidavit Concerning Liens, and a Substitute W-9 form. Plaintiffs' counsel, Gregory Zenon, Esq., shall also execute and deliver to Defendants' undersigned attorney a Release based on the terms of paragraphs "2(c)(ii)" and "4" above and a Substitute W-9 form. The payments set forth in paragraph "2" above are subject to and conditioned on delivery of all necessary documents to Defendants' undersigned attorney.

7. Nothing contained in this Stipulation and Order shall be deemed to be an admission by Defendants that they have in any manner or way violated Plaintiffs rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules, and/or regulations of the United States, the State of New York, or the City of New York, or any other rule, regulation or bylaw of any department, agency, or subdivision of the City of New York.

8. This Stipulation and Order shall not be admissible in, nor is it related to, any other litigation or settlement negotiation, except for enforcement of the provisions contained herein.

9. Nothing contained in this Stipulation and Order shall be deemed to constitute a policy or practice of the City of New York, any agency of the City of New York, NYC Health + Hospitals, Corizon Health, Inc., or Corizon, Inc..

10. Facsimile and/or photocopied signatures on this Stipulation and Order shall have the same effect as original signatures.

11. This Stipulation and Order contains all of the terms and conditions agreed upon by the Parties, and no oral agreement entered into at any time, nor any written agreement entered into prior to the execution of this Stipulation and Order, regarding the subject matter of the instant action shall be deemed to exist, to bind the Parties, or to vary the terms and conditions contained in this Stipulation and Order.

Dated: New York, New York
November 9, 2018

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By:

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Carolyn Kruk
Assistant Corporation Counsel

SO ORDERED:

HONORABLE ALLYNE R. ROSS
UNITED STATES DISTRICT JUDGE